

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHY BUSHFIELD, *et al.*,

Plaintiffs,

v.

C.R. BARD, INC.,

Defendant.

CASE NO. C19-1626-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' supplemental joint status report regarding the remaining case schedule (Dkt. No. 93). Having reviewed the parties' briefing and the relevant record and finding good cause, the Court ORDERS as follows:

1. The June 14, 2021 jury trial is CONTINUED until October 25, 2021 at 9:30 a.m.
2. Trial briefs, proposed voir dire questions, and proposed jury instructions are due by October 21, 2021.
3. The proposed pretrial order is due by October 15, 2021.
4. The dispositive motions and *Daubert* motion deadline is CONTINUED until May 31, 2021.
5. The expert discovery deadline is CONTINUED until April 30, 2021.

1 The Court understands that Bard filed six motions in the MDL on November 1, 2018 that
2 are still pending: one motion for partial summary judgment and five *Daubert* motions. (Dkt. No.
3 93 at 2–5.) Bard represents that its motion for partial summary judgment is fully briefed and does
4 not need to be updated. (*Id.* at 2–3.) Therefore, the Court will schedule the motion for summary
5 judgment for determination, even though its formatting does not comply with the Court’s local
6 rules. Although the Court’s Local Civil Rules generally prohibit parties from filing
7 “contemporaneous dispositive motions, each one directed toward a discrete issue or claim,”
8 because of the unusual procedural history of this case, the Court grants Bard leave to file a
9 summary judgment motion by the new dispositive motions deadline addressing issues not
10 covered in its pending summary judgment. W.D. Wash. Local Civ. R. 7(e)(3). The Court will
11 construe the requirement that any future motion for summary judgment address only issues not
12 covered by the pending motion for summary judgment strictly. The Court does not grant Bard
13 leave to take “a second bite at the apple.”

14 Bard suggests that it may need to revise all of the *Daubert* motions, so the Court will not
15 resolve those pending motions at this time. Instead, the Court ORDERS Bard to file updated
16 versions of the motions that comply with the Court’s local rules no later than May 31, 2021.

17 DATED this 30th day of March 2021.

18 William M. McCool
19 Clerk of Court

20 s/Paula McNabb
21 Deputy Clerk
22
23
24
25
26